

REMARKS

Claims 1-34 are currently pending in this Application. By the final office action of July 31, 2006, the Examiner has rejected Claims 1-34 on various grounds discussed below.

By the present amendment claims 1, 12, 24, 28, 29, and 33 have been amended and claims 10 and 11 have been cancelled.

Reconsideration of the claims as amended is respectfully requested.

Interview Summary

By telephone interview on August 23, 2006, Applicant's attorney and the Examiner discussed the pending office action. No art was discussed since there are no art rejections. Suggested claim amendments were faxed to the Examiner. The Examiner indicated that the claims as amended herein would overcome the 101 and 112 rejections.

Alternative amendments to claims 1 and 24 were also discussed. The Examiner indicated that those amendments would require a formal response and it would need to be reviewed to the 101 review group.

To avoid further office actions and responses, the Applicant has decided to submit this amendment with the claims indicated to be allowable.

Claim Rejections – 35 U.S.C. § 112

Claims 1-34 are rejected under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter. Specifically, the Examiner asserted that the claims failed to recite positive steps or elements that constitute the actual assembly of a meal.

Claim Rejections – 35 U.S.C. § 101

Claims 1-10, 20-27 and 29-32 were rejected under 35 U.S.C. §101 because the claimed invention lacks patentable utility. Specifically the Examiner asserted that the claims failed to incorporate any particular positive step or element that produce a concrete result, i.e. assembling a meal.

The Applicant submits that the current amendments have added the step or element regarding assembling a meal that was indicated to be missing in the rejections. As a result, the Applicant submits that claims 1-9 and 12-34, as amended, are now allowable.

CONCLUSION

The Commissioner is hereby authorized to charge payment of any further fees associated with any of the foregoing papers submitted herewith, or to credit any overpayment thereof, to Deposit Account No. 50-1515, Conley Rose, P.C.

Applicant respectfully submits that the present application as amended is in condition for allowance. If the Examiner has any questions or comments or otherwise feels it would be helpful in expediting the application, he is encouraged to telephone the undersigned at (972) 731-2288.

Respectfully submitted,

CONLEY ROSE, P.C.

Date: 8-28-2006

5700 Granite Parkway, Suite 330
Plano, Texas 75024
Telephone: (972) 731-2288
Facsimile: (972) 731-2289

Albert C. Mettrailer
Albert C. Mettrailer
Reg. No. 27,145

ATTORNEY FOR APPLICANT